

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,

Plaintiffs,

DECLARATION OF
PATRICK BENN

-against-

CITY OF NEW YORK, et al.,

11 Civ. 5845 (LTS)(JCF)

Defendants.

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UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

-against-

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF CORRECTION,

Defendants.

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PATRICK BENN, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746,
that the following is true and correct:

1. I am the Deputy Commissioner of the Facility Maintenance and Repair Division (“FMRD”) with the New York City Department of Correction (“DOC”). I was appointed to the position in May 2023. I am responsible for facility maintenance, fleet administration, capital and construction projects, fire safety planning, and warehouse operations.

2. Before joining DOC, I was the Executive Director of Facility Maintenance, Operations, and Construction at the New York City Health and Hospital Corporation, a position I held from 2019 to 2023.

I. DOC facility maintenance and operations

3. Each day, DOC staff conduct safety inspections and submit work orders to FMRD for repairs. We receive as many as 50 work orders a day. These repairs are being completed in a timely manner.

4. Among the highest priority repairs are those to cell doors and locks. Many of DOC's old doors could be kicked open, and locks could be readily manipulated, creating serious security risks. These issues are increasingly less pervasive.

5. Since January 1, 2023, FMRD staff have repaired 204 cell doors/locks at the Eric M. Taylor Center ("EMTC"); 400 at the George R. Vierno Center ("GRVC"); more than 100 in the Enhanced Supervision Housing units at the Rose M. Singer Center ("RMSC") and 400 elsewhere in RMSC; and 607 at the Robert N. Davoren Complex ("RNDC").

II. Facility Upgrades

6. Since January 1, 2023, there have been numerous other facility upgrades, detailed below.

7. At EMTC, more than 20 security upgrades have been completed, including exchanging fragile porcelain toilets and urinals with robust stainless steel, floor-mounted toilets; upgrading shower valves with lower maximum temperatures to prevent scalding water in summer months; replacing rusted and broken steel bathroom partitions with steel posts and partitions to ensure adequate privacy; installing LED lighting for better visibility; covering outlets that could be used to start fires; and binding half inch Lexan to strengthen glass windows.

8. At GRVC, more than 28 security measures were completed, including incorporating light shields so that lights cannot be removed and used as a weapon; installing panic alarms in the law library for the safety of staff; and constructing shower gates to limit interactions.

9. At North Infirmary Command (“NIC”)/West Facility, new fire pumps were installed; television cages were reinforced; and electric upgrades were installed in security cameras.

10. At OBCC, 17 improvements were completed, including new red light/green light systems for doors to indicate whether a door is closed or opened, new body scanner installations at front entrances to provide improved detection of contraband, repairs to the sprinkler system, and renovations to the law library and barber shop.

11. At RMSC, 18 upgrades were completed, including installing flood flaps on cells to prevent moisture, securing officer desks and chairs to avoid tampering; upgrading cameras in housing areas for improved surveillance, and removing fixtures that could be used as a weapon such as mirrors, soap dishes, and metal stools.

12. At RNDC, 22 security upgrades were completed including affixing locks to group session rooms, the pharmacy and medical office, fabricating new electrical lines for cell door monitoring systems, and renovating the school area.

Dated: New York, New York.

Dated: 03/14/2024

A handwritten signature in black ink, appearing to be 'P. Benn', written over a horizontal line.

PATRICK BENN